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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

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8 UNITED STATES OF AMERICA,)

9 Plaintiff,)

10 vs)

11 ALEX P. SORIA,)

12 Defendant.)
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CASE NO. 2:11-cr-156-LDG-RJJ

ORDER
REGARDING CONTINUANCE
AND EXCLUSION OF SPEEDY TRIAL

14 FINDINGS OF FACT

15 Based on good cause, this Honorable Court finds that:

16 1. On or about March 16, 2012, the United States filed a *motion in limine* re: evidence of
17 economic and medical circumstances. The defense responded to this motion. Dkt 62, 64, and 67.
18 On or about June 27, 2012, the United States filed a *motion in limine* to exclude expert testimony
19 related to the defendant's medical circumstances. The defense responded to this motion. Dkt. 89
20 and 100. On or about July 13, 2012, this Court held a *Daubert* hearing and took argument on these
21 motions. These motions are still pending before this Court.

22 2. On July 16, 2012, the day trial was scheduled to begin, the Defense notified the Court
23 that defense counsel, Richard Boulware, and the defendant had an unresolved conflict of interest
24 issue.

25 3. On July 17, 2012, Mr. Boulware moved to recuse himself as the defendant's attorney
26 due to the continuing conflict issue.

4. This Court accepted Mr. Boulware’s recusal and appointed the defendant a new defense counsel, Mr. Michael Santf.

5. This Court *sua sponte* granted Mr. Santf a continuance to prepare for trial.

6. Defendant Soria is incarcerated but agreed to the continuance.

7. The additional time awarded to the defense is not sought for purposes of delay, but granted to allow the defense counsel adequate time to prepare for trial.

8. The additional time is in the best interest of justice.

9. The additional time is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D), and Title 18 United States Code Section 3161(h)(7)(A), considering the factors under Title 18, United States Code, Section 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

10. This Court vacated the trial date and rescheduled the trial for September 10, 2012.

CONCLUSIONS OF LAW

The delay resulting from the pending pretrial motions and the continuance granted to Defense to adequately prepare for trial outweighs the interests of the public and Defendant Soria's interest in a speedy trial. Therefore, the continuance herein, from July 16, 2012 through September 10, 2012, is excludable under the Speedy Trial Act, Title 18 United States Code Section 3161(h)(1)(D) and Section 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

SIGNED THIS 9 DAY OF AUGUST, 2012.

U.S. DISTRICT COURT JUDGE